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Promotion and protection of the rights of children

Letter dated 22 June 2001 from the Chargé d'affaires a.i. of the Permanent Mission of Côte d'Ivoire to the United Nations addressed to the Secretary-General

In a documentary film a few weeks ago, the British press accused Côte d'Ivoire of practising child slavery.

Accordingly, on the instructions of my Government, I request you to arrange for the text of this letter and its annex to be circulated as a General Assembly document, under agenda item 110.

(*Signed*) Noël Emmanuel **Ahipeaud Guébo**
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Annex to the letter dated 22 June 2001 from the Chargé d'affaires a.i. of the Permanent Mission of Côte d'Ivoire to the United Nations addressed to the Secretary-General

The defamatory campaign against Côte d'Ivoire, which has now become routine, is clearly not abating. After having long been branded as xenophobic and exclusionist, Côte d'Ivoire is once again the target of militants who have now decided that the land of Eburnie has based its agricultural sector on the trafficking and enslavement of minors from neighbouring countries.

Thus, a few weeks ago, in documentary films about the practice of slavery in various parts of the world, the British Broadcasting Cooperation made serious allegations against Côte d'Ivoire and its authorities, particularly with regard to its cocoa production.

In its filmed report, this television network suggested that 90 per cent of the commercial cocoa production of Côte d'Ivoire is produced by the labour of children from neighbouring countries, specifically Burkina Faso and Mali. These children are alleged to be working as slaves in Ivorian coffee and cocoa plantations.

This apparent scoop was naturally seized upon by the critics of Côte d'Ivoire, who then had a field day pillorying the country by calling on consumers to boycott Ivorian cocoa and its by-products.

By a very strange coincidence, this information is being made public at a time when donors, satisfied with the evolution of the democratic process in Côte d'Ivoire, appear to be wanting to help this country to extricate itself from the slump which has been plaguing it for the last 10 years, and comes at a time when there are many encouraging signs that the national reconciliation advocated by the President of the Republic and wholeheartedly endorsed by the Ivorian people, is making progress.

It must be stated categorically: these obviously tendentious allegations are not applicable to the Ivorian people and their Government.

The Ivorian Government is determined to enlighten world public opinion by providing the facts of the matter. First, it must raise a few questions.

Is it being insinuated, yet again, that the Ivorian people are subhuman and inveterately lazy, and that, consequently, since Côte d'Ivoire was developed by foreigners, and by children at that, it is quite natural and logical to believe that Ivorians, with their age-old heritage, are incapable of governing their country?

Can one in good conscience make a travesty of the history of mankind and find proponents of slavery among peoples who were themselves the victims of slavery, and who have not received any compensation for that victimization to this day; indeed, it must be recognized that no compensation, no reparation can heal that deep wound to the African continent?

Is the publication of these lies motivated by an attempt to destabilize the region by pitting Côte d'Ivoire against its neighbours, who have a long history of using xenophobia and exclusionism as weapons against it precisely at a time when the recent activation of the African Union signals that African integration is firmly under way?

Before discussing the facts, consideration needs to be given to the dual issue of journalistic ethics and State responsibility.

The modern world is controlled by what is called the fourth estate, that is to say, the press. For many citizens of the world, the information conveyed by the press is gospel truth. The press is presumed to be serious and objective.

That is why, before publishing information, the ethics of the profession, whose only credo is the search for the truth, the whole truth and nothing but the truth, require that the mind, the pen, the camera and the voice be used with the greatest of care.

The history of Europe since ancient times has shown that in the past, criminal responsibility was collective: when an individual committed a reprehensible act, all the members of his family, including pets, suffered the same punishment as the perpetrator of the punishable act. In some cases, the punishment could even extend to the death penalty.

Civilized law, which, it need hardly be stressed, rules in Côte d'Ivoire, views responsibility not as collective, but as individual. This modern legal approach explains why, even in cases of joint action or complicity, the penalties inflicted are never uniform. They are geared to the actions of each specific individual involved in the perpetration of the offence or crime.

It is ironic to note that it is not in the area of Côte d'Ivoire that we should be looking for racists and proponents of slavery.

Racists and proslavers are the ones making an entire nation, an entire people, responsible for acts perpetrated by individuals living in their territory.

The racists and proslavers are those who, in the guise of professionalism, are selective in their research and studies where their own countries are concerned, but practise swing-wing journalism when it comes to so-called "third world" countries. The implication is that the latter, the wretched of the earth, are incapable of achieving greatness.

It must be stated and restated:

(1) No one can be tried and a fortiori convicted for a crime that he did not commit; and

(2) No one can be tried and convicted in the absence of any proof.

In this instance, have those who castigate Côte d'Ivoire furnished proof:

(a) That the alleged acts do in fact constitute slavery in the semantic, legal and philosophical meanings of the word?

(b) That an agent, institution or any symbol of the Ivorian State is involved in these acts?

(c) That this agent, institution or any symbol of the Ivorian State acted to perform public service or exercised a prerogative of the executive branch of government?

(d) That the Ivorian authorities, with full knowledge of the facts, were content to be passive accomplices?

The answer to all these questions is "no".

Thus, as we have stated, these are out and out lies — bribed allegations with no basis in fact, designed to make Côte d'Ivoire look like a menace.

This new attempt to denigrate Côte d'Ivoire, like those which preceded it, will not succeed in distracting the friends of Côte d'Ivoire.

What is actually going on?

It should be noted that today, agriculture is the main activity of the Ivorian economy; it accounts for 33 per cent of gross domestic product (GDP), employs 66 per cent of the active population and provides 45 per cent of the national income.

Young people account for over 70 per cent of the population of Côte d'Ivoire, and at least 55 per cent of the population is under age 20.

In every rural family, children help by working the fields; this is a normal cultural activity in all African societies. Consequently, it does not constitute slavery or the exploitation of children.

Ninety per cent of Côte d'Ivoire's cocoa is produced by Ivorians; only 10 per cent is produced by foreigners.

The noble, courageous, proud and assuredly hospitable people of Côte d'Ivoire are hard-working people.

Coffee, cocoa, cotton and food crops found on the nation's markets are the product of Ivorian farmers' labour.

Since independence, many Ivorians have received professional training; there is no lack of highly-qualified human resources, and Côte d'Ivoire is one of the countries of sub-Saharan Africa where medical doctors, teachers and engineers are regularly forced to emigrate because they cannot find employment.

Côte d'Ivoire also has many skilled workers.

While intellectual honesty demands that we recognize that no country develops in total isolation, it must be stated frankly that with all due respect for its critics, Côte d'Ivoire has essentially been built by Ivorians.

Of the 10 per cent of foreigners involved in agricultural activities, two or three per cent engage in trafficking in children, many of whom join the ranks of street children in the cities. It should therefore be noted that:

First, this does not constitute slavery, but rather trafficking in children;

Second, this trafficking in children is practised essentially by foreigners living in Côte d'Ivoire;

Third, contrary to what has been said, the child victims of this trafficking are not necessarily working in the fields; and

Fourth, the Government of Côte d'Ivoire is in no way involved in this trafficking in children, which, it is now acknowledged, has been practised since 1990, when the country had been independent for 30 years. The economic crisis arose in the late 1980s; consequently, most structures of the Ivorian economy were already in place prior to 1990, when the trafficking in children began. It would

therefore be a truism to say that Ivorian agriculture was already at the peak of its development before these children arrived in Côte d'Ivoire.

Furthermore, as stated above, the child victims of trafficking are not engaged solely in agricultural activities.

The President of the Republic, summarizing the problem at the 24th regular session of the Organization of African Unity (OAU) Labour and Social Affairs Commission, declared that:

> "Trafficking in children is a scandal which, unfortunately, persists. Taken far from their homes, sometimes with the naive complicity of their parents, these children may be found on plantations, in mines, on road crews, in quarries, in factories and in the market place; yet their fate still fails to inspire the response that our civilization owes to their dignity as human beings."

According to statistics issued by the International Labour Office (ILO), 80 million children in Africa are subjected to forced labour from early childhood on.

In this sad situation Côte d'Ivoire has become a victim of its legendary hospitality since the events occurring in its territory are largely attributable to its foreign guests. The authorities, acting in good faith have acknowledged that there has been clandestine trafficking in children from Mali and Burkina Faso since 1990.

That discovery has outraged the Government and the people of Côte d'Ivoire. It should not be forgotten that Côte d'Ivoire has signed and ratified most of the general international human rights conventions, as well as those which specifically protect the rights of the child, including the following:

(1) Convention on the Rights of the Child,

(2) International Labour Organization (ILO) Convention No. 182 concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour (in the process of being ratified by Parliament),

(3) International Labour Organization (ILO) Convention No. 138 concerning Minimum Age for Admission to Employment (in the process of being ratified by Parliament),

(4) Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment,

(5) International Convention on the Elimination of All Forms of Racial Discrimination,

(6) Convention on the Elimination of All Forms of Discrimination against Women,

(7) International Covenant on Economic, Social and Cultural Rights, etc.

It should also be noted that, in the area of domestic legislation, the Ivorian Constitution makes reference to and therefore incorporates the provisions of the Universal Declaration of Human Rights of 1948 and the African Charter on Human and Peoples' Rights of 1981.

Furthermore, article 23 (8) of the Ivorian Labour Code provides that:

"Children may not be employed in an enterprise, even as apprentices, before the age of fourteen (14), except in cases where a derogation has been granted under the relevant regulations."

Article 23 (9) of the Labour Code authorizes the inspector of labour and work rules to "require children to be examined by an approved doctor with a view to ensuring that they are capable of performing the work assigned to them. The individuals concerned have the right to request said medical examination".

The Government of Côte d'Ivoire is of the opinion that this trafficking in children, although very limited in scope, is nevertheless a crime against humanity and, in full cooperation with Mali and Burkina Faso, has taken the following measures:

(1) At least a dozen individuals implicated in trafficking in children have been severely punished by Ivorian courts.

Investigation and prosecution are continuing unabated and on an urgent basis. The Government has decided to take a very hard line.

(2) On the humanitarian level, the child victims of this traffic are systematically identified and once identified, sent back to their home countries. To date more than 200 children from Mali and Burkina Faso have been repatriated.

(3) A standing committee on follow up to the cooperation agreement between Côte d'Ivoire and Mali to fight transborder child trafficking has begun operations and been strengthened.

(4) A procedure for the repatriation of children, based on approved measures contained in a memorandum of agreement signed by Côte d'Ivoire and the International Organization for Migration (IOM) has been adopted.

(5) In cooperation with the UNICEF office, information gathering on child trafficking has been centralized.

(6) Information and awareness campaigns in areas where child labour is used have been intensified.

(7) Child-centred policies and programmes are taken into account when preparing the State budget.

The Government has adopted many multifaceted measures to eradicate transborder trafficking in children which it would be too tedious to list in this letter. As it has always done in the past, Côte d'Ivoire once again pleads not guilty.

That is the true situation which the reporters should have researched before presenting their television programme.

(*Signed*) Noël Emmanuel **Ahipeaud Guébo**
Chargé d'affaires par interim